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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,577	12/08/2003	John F. Murray	1014-056	3047

26652 7590 08/02/2006

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,577

Applicant(s)

MURRAY ET AL.

Examiner

DANH C. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15, respectively of U.S. Patent No. 6,751,441. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-15 of the U.S. Patent No. 6,751,441 encompass claims 1-27 of the present application.

SET I

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 4, 6, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US 6,681,116).**

As to claim 1, Johnson teaches a distributed wireless radiation system for facilitating intra-premises distribution of broadband services (figures 2-4 and their descriptions), comprising:

a source broadband interface device connected for receiving incoming signals for in-premises cable distribution of broadband signals;

in-premises cabling comprising cables connecting the source broadband interface device to selected premised equipment;

an adjunct device connected to the broadband interface device and operative for accepting broadband signals, formatting the broadband signals for wireless delivery and providing the formatted broadband signals to the in-premises cabling; and

a signal radiation device enabled by the in-premises cabling for radiating the formatted signals to be received by nearby receivers.

As to claim 2, Johnson teaches the system of claim 1, wherein;

the in-premises cabling comprises television cable (col.5, lines 59-67).

As to claim 4, Johnson teaches the system of claim 1, wherein;

the signal radiation device comprises an antenna radiating at RF frequencies (figures 2-4 and their descriptions).

As to claim 6, Johnson teaches the system of claim 1, wherein;

a source of broadband signals to an in-premises distribution is cable (figures 2-4 and their descriptions).

As to claim 7, Johnson teaches the system of claim 1, wherein;

a source of broadband signals to the in-premises distribution is fixed wireless (figures 2-4 and their descriptions).

3. Claims 10-12, 14-24, 26, 27 rejected under 35 U.S.C. 102(e) as being anticipated by Bishop (US 6,377,782).

As to claim 10, Bishop teaches a method of distributing broadband signals within a premises (figures 2-4 and their descriptions), comprising the steps of:

packetizing incoming broadband signals at a first frequency into RF frequency signals;

modulating the packetized RF frequency signals at a second frequency; and
providing the packetized and modulated RF frequency signals to in-premises cabling for distribution to signal radiation devices located within the premises.

As to claim 11, Bishop teaches the method of claim 10, further comprising a step of:

transmitting the RF frequency signals on cabling used within the premises for cable television signal distribution (figures 5-8 and their descriptions).

As to claim 12, Bishop teaches the method of claim 10,
further comprising a step of using the signal radiation devices to radiate the RF frequency signals, the signal radiation devices comprising radiative antennas coupled to the cabling near receiving equipment (figures 5-8 and their descriptions).

As to claim 14, Bishop teaches the method of claim 10, further including a step of:
supplying the broadband signals by external cable (figures 5-8 and their descriptions).

As to claim 15, Bishop teaches the method of claim 10, further including a step of:

supplying the broadband signals by fixed wireless (figures 5-8 and their descriptions).

As to claim 16, Bishop teaches the method of claim 10 (figures 5-8 and their descriptions), further including a step of:

supplying the broadband signals by DSL.

As to claim 17, Bishop teaches a method of distributing signals, comprising:
receiving, at a first device at a first frequency, an input signal comprising
broadcast information;

converting the received broadband information to a packet format;
modulating the converted broadband information on an RF second frequency;
transmitting the modulated converted broadband information at the RF second
frequency and via on-premise cabling;

isolating the transmitted modulated converted broadband information at the RF
second frequency from the first frequency on the on-premise cabling; and

radiating the isolated broadband information from an antenna coupled to the on-
premise cabling for the broadcast to one or more wireless receiving devices.

As to claim 18, Bishop teaches the method according to claim 17, wherein the
first device includes a set top box (Bishop col.9, lines 19-37).

As to claim 19, Bishop teaches the method according to claim 17, further
including converting the received broadband information to the packet format at a
wireless transmission device (figures 5-8 and their descriptions).

As to claim 20, Bishop teaches the method according to claim 19, wherein the
wireless transmission device includes a port controller, a wireless interface, a media
access controller and/or a radio
Interface (figures 5-8 and their descriptions).

As to claim 21, Bishop teaches the method according to claim 19, further including providing a first filtering device receiving the modulated broadband information, wherein the filtering device is coupled to the on-premise cabling (figures 5-8 and their descriptions).

As to claim 22, Bishop teaches the method according to claim 21, wherein the filtering device includes a first filter for allowing the first frequency to pass and a second filter for allowing the second frequency to pass (figures 5-8 and their descriptions).

As to claim 23, Bishop teaches the method according to claim 22, wherein the filtering device corresponds to a diplexer (figures 5-8 and their descriptions).

As to claim 24, Bishop teaches the method according to claim 17, wherein the on-premise cabling includes coaxial cable (figures 5-8 and their descriptions).

As to claim 26, Bishop teaches the method according to claim 17, wherein the first device includes a broadband termination interface (figures 5-8 and their descriptions).

As to claim 27, Bishop teaches the method according to claim 21, further including providing a second filtering device and a splitter coupled between the first and second filtering devices, wherein the second filtering device isolates the broadband information for transmission onto the on-premise cabling and transmission by the antenna (Bishop col. 16, 39-col.15, line-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 5, 8, 9, 13, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Bishop (US 6,377,782).

As to claim 3, Johnson teaches the system of claim 2, Johnson fails to teach further comprising a diplexer to extract the formatted broadband signals at a selected location of the in-premises cabling, wherein the diplexer operates to isolate various service signals from the television signals of the television cable. Bishop teaches a diplexer to extract the formatted broadband signals at a selected location of the in-premises cabling, wherein the diplexer operates to isolate various service signals from the television signals of the television cable (Bishop col. 16, 39-col.15, line-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Bishop into the system of Johnson in order to enhance the system performance of the communication system.

As to claim 9, Johnson and Bishop teaches the system of claim 1, wherein: the source broadband interface device is a set top box (Bishop col.9, lines 19-37).

As to claim 5, 8, 13, 25, the combination of Johnson and Bishop teaches the system of claim 1, wherein the signal radiator device comprises coaxial cable radiating

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at RF frequencies and a source of broadband signals to the in-premises distribution is DSL. However, the examiner takes Official Notices that the reciting limitations are known in the art.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of the reciting limitations into the system of Johnson and Bishop in order to enhance the system performance of the communication system.

SET II

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US 5,930,247).

As to claim 1, Miller teaches a distributed wireless radiation system for facilitating intra-premises distribution of broadband services (figure 1 and its description), comprising:

a source broadband interface device connected for receiving incoming signals for in-premises cable distribution of broadband signals;

in-premises cabling comprising cables connecting the source broadband interface device to selected premised equipment;

an adjunct device connected to the broadband interface device and operative for accepting broadband signals, formatting the broadband signals for wireless delivery and providing the formatted broadband signals to the in-premises cabling; and

a signal radiation device enabled by the in-premises cabling for radiating the formatted signals to be received by nearby receivers.

SET III

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hylton (US 5,708,961).

As to claim 1, Hylton teaches a distributed wireless radiation system for facilitating intra-premises distribution of broadband services (figures 1, 4-7 and their descriptions), comprising:

a source broadband interface device connected for receiving incoming signals for in-premises cable distribution of broadband signals;

in-premises cabling comprising cables connecting the source broadband interface device to selected premised equipment;

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an adjunct device connected to the broadband interface device and operative for accepting broadband signals, formatting the broadband signals for wireless delivery and providing the formatted broadband signals to the in-premises cabling; and

a signal radiation device enabled by the in-premises cabling for radiating the formatted signals to be received by nearby receivers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

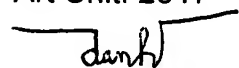
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DAN H. GONSKY
July 30, 2006
PRIMARY EXAMINER